

PROPOSED AMENDMENT

SB 525 # 6

DIGEST

Marion County judicial circuits. Establishes three judicial circuits in Marion County. (Under the Constitution of the State of Indiana, a prosecuting attorney and circuit judge are required to be elected in each judicial circuit.) Makes conforming amendments.

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 31-12-1-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. (a) **Except as**
5 **provided in subsection (b),** this chapter applies only in judicial
6 circuits in which the judges of the superior and circuit courts determine
7 that:
8 (1) the social conditions in the county; and
9 (2) the number of domestic relations cases in the courts;
10 make the procedures provided in this chapter necessary for the full and
11 proper consideration of the cases and to carry out this chapter.
12 **(b) This chapter applies in Marion County, if the judges of the**
13 **superior and circuit courts determine that:**
14 **(1) the social conditions in the county; and**
15 **(2) the number of domestic relations cases in the courts;**
16 **make the procedures provided in this chapter necessary for the full**
17 **and proper consideration of the cases and to carry out this chapter.**
18 ~~(b)~~ (c) The majority of the judges of the superior and circuit courts
19 in each judicial circuit **(or in Marion County, if applicable)** shall
20 make the determination under subsection (a) **or (b)** annually in
21 January.
22 SECTION 2. IC 31-12-1.5-1, AS ADDED BY P.L.80-2006,
23 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JANUARY 1, 2026]: Sec. 1. (a) **Except as provided in subsection (b),**
25 this chapter applies in a judicial circuit in which a majority of the

judges of the circuit and superior courts determine that:

(1) the social conditions of the county; and

(2) the number of domestic relations cases in the courts;

make the procedures described in IC 31-12-1 necessary for the full and proper consideration of domestic relations cases.

(b) This chapter applies in Marion County, if the judges of the superior and circuit courts in the county determine that:

(1) the social conditions in the county; and

(2) the number of domestic relations cases in the courts;

make the procedures provided in this chapter necessary for the full and proper consideration of the cases and to carry out this chapter.

~~(b)~~ (c) The judges shall make the determination described in subsection (a) **or (b)** annually in January.

SECTION 3. IC 31-12-1.5-2, AS ADDED BY P.L.80-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 2. If the judges of a judicial circuit **(or Marion County)** make the determination described in section 1 of this chapter, the judges shall designate by joint order one (1) or more of the judges in the judicial circuit **(or Marion County)** to hear cases under this chapter. A judge designated under this section may hold as many sessions each week as are necessary for the prompt disposition of the court's business.

SECTION 4. IC 31-12-2-1, AS AMENDED BY P.L.11-2023, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. This chapter applies only to the following:

(1) A judicial circuit in ~~which there is located~~ a consolidated city, ~~and if~~ the judges of the superior court and the ~~judge~~ **judges** of the circuit ~~court~~ **courts in the county** determine that the social conditions in the county and the number of domestic relations cases in the courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

(2) A county having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000) in which the judge of the circuit court determines that the social conditions in the county and the number of domestic relations cases in the county's courts make the procedures provided under this chapter necessary for the full and proper consideration of the cases and the effectuation of the purposes of this chapter.

SECTION 5. IC 31-12-2-2, AS AMENDED BY P.L.11-2023, SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 2. For:

(1) any judicial circuit ~~in which there is~~ located in a consolidated city, the judges described in section 1(1) of this chapter may establish a bureau of the courts; and

(2) a county having a population of more than four hundred thousand (400,000) and less than seven hundred thousand (700,000), the judge of the circuit court may establish a bureau of the court;

known as the "Domestic Relations Counseling Bureau".

SECTION 6. IC 33-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. The circuit court shall be held in the respective ~~counties~~ **judicial circuits** at times as may be fixed by law. The court shall be styled "_____ Circuit Court", according to the name of the county in which it may be held, **or "Marion County Circuit Court, Southern/Central/Northern District" (as applicable), for a circuit court in Marion County.**

SECTION 7. IC 33-28-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 6. When the subject matter of a circuit court is situated in two (2) or more counties, **or two (2) or more judicial circuits within a county**, the court that takes cognizance of the matter first shall retain the matter.

SECTION 8. IC 33-28-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 7. The circuit court of each county, **or of each judicial circuit within a county**, shall have a seal. A description of the seal must be signed by the judge devising the seal. The seal must be filed by the clerk and recorded.

SECTION 9. IC 33-28-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 8. (a) This section applies to a new county **or judicial circuit** in which a seal has not been devised for the county's circuit court **or the circuit court of a judicial circuit.**

(b) The clerk of a circuit court located in a county subject to this section may seal all papers required by law to be sealed with the seal of the circuit court with the clerk's private seal. Papers sealed with the clerk's seal under this section are considered to have been sealed with a seal devised by the circuit court.

SECTION 10. IC 33-29-5-7 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 7. To be eligible to hold office as a judge of a **circuit or** superior court, a person must be a resident of the judicial circuit that the judge serves. **However, a judge of the Marion superior court may reside anywhere within Marion County.**

SECTION 11. IC 33-33-49-2, AS AMENDED BY P.L.17-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 2. (a) **The nineteenth judicial circuit is abolished. By operation of law, the judge of the nineteenth judicial circuit becomes the judge of the one hundred and first judicial circuit, and all employees, assets, liabilities, and pending proceedings are transferred from the nineteenth judicial circuit to the one hundred and first judicial circuit. The magistrate of the nineteenth judicial circuit court becomes the magistrate of the one hundred and first judicial circuit court.**

~~(a)~~ (b) Marion County ~~constitutes~~ **contains** the ~~nineteenth judicial circuit.~~ **following three (3) judicial circuits:**

(1) **Pike Township, Washington Township, and Lawrence Township constitute the one hundredth judicial circuit, which may be known as the Marion County Circuit Court, Northern District.**

(2) **Wayne Township, Center Township, and Warren Township constitute the one hundred and first judicial circuit, which may be known as the Marion County Circuit Court, Central District.**

(3) **Decatur Township, Perry Township, and Franklin Township constitute the one hundred and second judicial circuit, which may be known as the Marion County Circuit Court, Southern District.**

~~(b)~~ (c) The judge of the ~~Marion one hundred and first~~ circuit court **(Marion County Circuit Court, Central District)** may appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit court. The magistrate continues in office until removed by the judge.

SECTION 12. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.

(b) Action of the court to remove the presiding judge or either

1 associate presiding judge may only be taken by a vote of two-thirds
2 (2/3) of the judges sitting at the time the vote is taken.

3 (c) The court has all the powers incident to a court of record in
4 relation to the attendance of witnesses, punishment of contempts, and
5 enforcement of the court's orders. The judges may administer oaths,
6 solemnize marriages, take and certify acknowledgments of deeds and
7 all legal instruments, and to give all necessary certificates for the
8 authentication of the records and proceedings in the court.

9 **(d) The court has jurisdiction throughout Marion County and**
10 **may be located in and hold trials and other proceedings from a**
11 **courthouse located anywhere in Marion County.**

12 SECTION 13. IC 33-38-4-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. **(a) Except as**
14 **provided in subsection (b),** the judge of the circuit court in a county
15 having a population of at least four hundred thousand (400,000) may
16 appoint a chief clerk for the court.

17 **(b) If a county having a population of at least four hundred**
18 **thousand (400,000) has more than one (1) circuit court judge, the**
19 **judges may jointly appoint a chief clerk.**

20 SECTION 14. IC 33-39-1-1.5 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JANUARY 1, 2026]: Sec. 1.5. **The nineteenth judicial**
23 **circuit (coextensive with Marion County) is abolished and replaced**
24 **with the judicial circuits described in IC 33-33-49-2(b). By**
25 **operation of law, the prosecuting attorney of the nineteenth**
26 **judicial circuit becomes the prosecuting attorney of the one**
27 **hundred and first judicial circuit, and all employees, assets,**
28 **liabilities, and pending proceedings are transferred from the**
29 **nineteenth judicial circuit to the one hundred and first judicial**
30 **circuit.**

31 SECTION 15. IC 33-39-1-5, AS AMENDED BY P.L.9-2022,
32 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JANUARY 1, 2026]: Sec. 5. **(a) Except as provided in**
34 **IC 12-15-23-6(d), the prosecuting attorneys, within their respective**
35 **jurisdictions, shall:**

36 (1) conduct all prosecutions for felonies, misdemeanors, or
37 infractions and all suits on forfeited recognizances;

38 (2) superintend, on behalf of counties or any of the trust funds, all
39 suits in which the counties or trust funds may be interested or
40 involved; and

(3) perform all other duties required by law.

(b) The prosecuting attorney of a judicial circuit located in Marion County has jurisdiction to perform the actions described in subsection (a)(1) and (a)(2) anywhere within Marion County.

SECTION 16. IC 33-39-6-1, AS AMENDED BY P.L.55-2022, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. (a) Prosecuting attorneys and deputy prosecuting attorneys are entitled to receive the compensation provided in this chapter. The minimum compensation of the prosecuting attorneys shall be paid in the manner prescribed in section 5 of this chapter. The compensation of the deputy prosecuting attorneys shall be paid in the manner prescribed in section 2 of this chapter.

(b) Upon the allowance of an itemized and verified claim by the board of county commissioners, the auditor of the county shall issue a warrant to a prosecuting attorney or deputy prosecuting attorney who filed the claim to pay any part of the compensation of a prosecuting attorney or a deputy prosecuting attorney that exceeds the amount that the state is to pay.

(c) A deputy prosecuting attorney who knowingly divides compensation with the prosecuting attorney or any other officer or person in connection with employment commits a Class B misdemeanor.

(d) A prosecuting attorney or any other officer or person who knowingly accepts any division of compensation described in subsection (c) commits a Class B misdemeanor.

(e) The prosecuting attorneys council of Indiana shall call at least one (1) and not more than two (2) conferences of the prosecuting attorneys, each year, to consider, discuss, and develop coordinated plans for the enforcement of the laws of Indiana. The conferences of the prosecuting attorneys are subject to the following:

(1) The date or dates upon which the conferences are held shall be fixed by the prosecuting attorneys council of Indiana.

(2) The expenses necessarily incurred by a prosecuting attorney in attending a conference, including the actual expense of transportation to and from the place where the conference is held, together with meals and lodging, shall be paid from the general fund of the county upon the presentation of an itemized and verified claim, filed as required by law, and by warrant issued by the county auditor.

(3) If there is more than one (1) county in any judicial circuit, the

expenses of the prosecuting attorneys incurred by virtue of this subsection shall be paid from the general fund of the respective counties constituting the circuit in the same proportion as the populations of the counties.

(4) If there is more than one (1) judicial circuit in any county, the expenses of every prosecuting attorney located in the county that are incurred by virtue of this subsection shall be paid from the general fund of the county.

SECTION 17. IC 33-39-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: **Sec. 10. If there is more than one (1) judicial circuit in any county, the prosecuting attorney of a judicial circuit located within that county may agree to share office space, courtrooms, and other facilities with the prosecuting attorney of any other judicial circuit located in that county.**

SECTION 18. IC 33-41-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 3. As used in this chapter, "judicial circuit" means:

- (1) any county comprising a single judicial circuit; ~~or~~
- (2) any combination of one (1) or more counties comprising a single judicial circuit; **or**
- (3) a judicial circuit located in a county containing more than one (1) judicial circuit.**

SECTION 19. IC 35-32-2-1, AS AMENDED BY P.L.115-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2026]: Sec. 1. (a) Criminal actions shall be tried in the county where the offense was committed, except as otherwise provided by law.

(b) If a criminal offense is committed in Marion County, the criminal action shall be tried by the prosecuting attorney of the judicial circuit where the offense was committed, except as otherwise provided by law. If the trial may be held in Marion County under this section or otherwise, the trial may be held anywhere in Marion County.

~~(b)~~ **(c)** If a person committing an offense upon the person of another is located in one (1) county and the person's victim is located in another county at the time of the commission of the offense, the trial may be in either of the counties.

~~(c)~~ **(d)** If the offense involves killing or causing the death of another human being, the trial may be in the county in which the:

1 (1) cause of death is inflicted;

2 (2) death occurs; or

3 (3) victim's body is found.

4 ~~(d)~~ (e) If an offense is committed in Indiana and it cannot readily be
5 determined in which county the offense was committed, trial may be in
6 any county in which an act was committed in furtherance of the
7 offense.

8 ~~(e)~~ (f) If an offense is commenced outside Indiana and completed
9 within Indiana, the offender may be tried in any county where any act
10 in furtherance of the offense occurred.

11 ~~(f)~~ (g) If an offense commenced inside Indiana is completed outside
12 Indiana, the offender shall be tried in any county where an act in
13 furtherance of the offense occurred.

14 ~~(g)~~ (h) If an offense is committed on the portions of the Ohio or
15 Wabash Rivers where they form a part of the boundaries of this state,
16 trial may be in the county that is adjacent to the river and whose
17 boundaries, if projected across the river, would include the place where
18 the offense was committed.

19 ~~(h)~~ (i) If an offense is committed at a place which is on or near a
20 common boundary which is shared by two (2) or more counties and it
21 cannot be readily determined where the offense was committed, then
22 the trial may be in any county sharing the common boundary.

23 ~~(i)~~ (j) If an offense is committed on a public highway (as defined in
24 IC 9-25-2-4) that runs on and along a common boundary shared by two
25 (2) or more counties, the trial may be held in any county sharing the
26 common boundary.

27 ~~(j)~~ (k) If an offense is committed by use of the Internet or another
28 computer network (as defined in IC 35-43-2-3), the trial may be held
29 in any county:

30 (1) from which or to which access to the Internet or other
31 computer network was made; or

32 (2) in which any computer, computer data, computer software, or
33 computer network that was used to access the Internet or other
34 computer network is located.

35 ~~(k)~~ (l) If an offense:

36 (1) is committed by use of:

37 (A) the Internet or another computer network (as defined in
38 IC 35-43-2-3); or

39 (B) another form of electronic communication; and

40 (2) occurs outside Indiana and the victim of the offense resides in

1 Indiana at the time of the offense;
2 the trial may be held in the county where the victim resides at the time
3 of the offense."

4 Page 2, after line 9, begin a new paragraph and insert:

5 "SECTION 21. [EFFECTIVE JANUARY 1, 2026] (a) **As used in**
6 **this SECTION, "new court" means the Marion County Circuit**
7 **Court, Central District (one hundred and first judicial circuit)**
8 **established on January 1, 2026.**

9 (b) **As used in this SECTION, "old court" means the Marion**
10 **County Circuit Court (nineteenth judicial circuit) in existence on**
11 **December 31, 2025.**

12 (c) **On January 1, 2026, the judge of the old court becomes the**
13 **judge of the new court without change in compensation, seniority,**
14 **or benefits. The judge is entitled to have the judge's prior service**
15 **included for purposes of computing any applicable employment**
16 **and retirement benefits.**

17 (d) **The term of the judge expires on the same date that the**
18 **judge's term would have expired had the judge remained the judge**
19 **of the old court.**

20 (e) **The employees of the old court on December 31, 2025,**
21 **become employees of the new court on January 1, 2026, without**
22 **change in compensation, seniority, or benefits, and are entitled to**
23 **have their service under the new court included for purposes of**
24 **computing any applicable employment and retirement benefits.**

25 (f) **All cases and proceedings pending before the old court on**
26 **December 31, 2025, are transferred to the new court on January 1,**
27 **2026.**

28 (g) **On January 1, 2026, all agreements and liabilities of the old**
29 **court are transferred to the new court.**

30 (h) **On January 1, 2026, all records and property of the old**
31 **court, including appropriations and other funds under the control**
32 **or supervision of the old court, are transferred to the new court.**

33 (i) **After December 31, 2025, any amounts owed to the old court**
34 **before January 1, 2026, are considered to be owed to the new**
35 **court.**

36 (j) **Any rules, policies, or guidelines of the old court become**
37 **rules, policies, or guidelines of the new court, until replaced,**
38 **repealed, or superseded.**

39 (k) **Until the remaining two (2) circuit courts in Marion County**
40 **are staffed and operational, the new court may operate under those**

1 policies of the old court that may be necessary to carry out the
2 court's judicial responsibilities.

3 (l) This SECTION expires January 1, 2030.

4 SECTION 22. [EFFECTIVE JANUARY 1, 2026] (a) As used in
5 this SECTION, "new office" means the office of the prosecuting
6 attorney of the one hundred and first judicial circuit, established
7 on January 1, 2026.

8 (b) As used in this SECTION, "old office" means the office of
9 the prosecuting attorney of the nineteenth judicial circuit (Marion
10 County prosecuting attorney) in existence on December 31, 2025.

11 (c) On January 1, 2026, the prosecuting attorney of the old
12 office becomes the prosecuting attorney of the new office without
13 change in compensation, seniority, or benefits. The prosecuting
14 attorney is entitled to have the prosecuting attorney's prior service
15 included for purposes of computing any applicable employment
16 and retirement benefits.

17 (d) The term of the prosecuting attorney expires on the same
18 date that the prosecuting attorney's term would have expired had
19 the prosecuting attorney remained the prosecuting attorney of the
20 old office.

21 (e) The employees of the old office on December 31, 2025,
22 become employees of the new office on January 1, 2026, without
23 change in compensation, seniority, or benefits, and are entitled to
24 have their service under the new office included for purposes of
25 computing any applicable employment and retirement benefits.
26 After the remaining two (2) prosecuting attorneys of Marion
27 County are appointed and take office, employees of the new office
28 may be transferred to the offices of the remaining two (2)
29 prosecuting attorneys.

30 (f) All open cases and proceedings of the old office on December
31 31, 2025, are transferred to the new office on January 1, 2026.
32 After the remaining two (2) prosecuting attorneys of Marion
33 County are appointed and take office, open cases and proceedings
34 may be transferred to the offices of the remaining prosecuting
35 attorneys in any reasonable manner jointly agreed upon by the
36 prosecuting attorneys.

37 (g) On January 1, 2026, all agreements and liabilities of the old
38 office are transferred to the new office.

39 (h) On January 1, 2026, all records and property of the old
40 office, including appropriations and other funds under the control

- 1 or supervision of the old office, are transferred to the new office.
- 2 (i) After December 31, 2025, any amounts owed to the old office
- 3 before January 1, 2026, are considered to be owed to the new
- 4 office.
- 5 (j) Any rules, policies, or guidelines of the old office become
- 6 rules, policies, or guidelines of the new office, until replaced,
- 7 repealed, or superseded.
- 8 (k) Until the remaining two (2) elected prosecuting attorney
- 9 offices in Marion County are staffed and operational, the new
- 10 office may:
- 11 (1) operate under those policies of the old office that may be
- 12 necessary to carry out the office's prosecutorial
- 13 responsibilities; and
- 14 (2) notwithstanding any other law, exercise countywide
- 15 jurisdiction.
- 16 (l) This SECTION expires January 1, 2030."
- 17 Renumber all SECTIONS consecutively.
- (Reference is to SB 525 as reprinted February 19, 2025.)